

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER UPHAM,

No. C-08-1859 MMC

Plaintiff,

**ORDER DENYING WITHOUT
PREJUDICE APPLICATION FOR LEAVE
TO AMEND; DENYING MOTION TO
VACATE CASE MANAGEMENT
CONFERENCE; DIRECTIONS TO
PLAINTIFF**

v.

HELENA FOX, Individually and as the
Personal Representative of the Estate of
Peter M. Fox, Deceased, and as Guardian
ad Litem for Rebecca H. Fox and Robert G.
Fox, Minors,

Defendants.

Before the Court is plaintiff's "Application for Leave to Amend; Motion to Vacate Case Management Conference; and Request for Court to Rule without Appearance of Counsel," filed January 29, 2009. Having read and considered plaintiff's filing, the Court finds plaintiff has failed to demonstrate good cause for the relief requested. In particular, with respect to the Application for Leave to Amend, plaintiff has failed to submit a proposed Second Amended Complaint or otherwise to adequately explain the content or purpose of any proposed amendment. Further, with respect to the Motion to Vacate Case Management Conference, plaintiff has failed to explain why service of process has not yet been completed on any defendant.

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1 Accordingly, for the reasons stated above¹:

2 1. The Application for Leave to Amend is hereby DENIED, without prejudice to
3 plaintiff's making a more particularized showing, at a later date, as to why such leave
4 should be afforded. Any such showing shall include the submission of a proposed Second
5 Amended Complaint.


6 2. The Motion to Vacate Case Management Conference is hereby DENIED.

7 3. Given the location of plaintiff's counsel, in Palm Springs, California, plaintiff may
8 appear by telephone at the Case Management Conference.

9 4. Plaintiff shall file a Case Management Conference Statement no later than 4:00
10 p.m. on Wednesday, February 4, 2009.

11 **IT IS SO ORDERED.**

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13 Dated: February 2, 2009


MAXINE M. CHESNEY
United States District Judge

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¹Plaintiff's Request for Court to Rule without Appearance of Counsel is hereby
GRANTED.